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13 Attorneys for Plaintiff

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 TRAVELERS CASUALTY AND SURETY
17 COMPANY OF AMERICA, a Connecticut
18 corporation,

19 Plaintiff,

20 vs.

21 WILLIAMS BROTHER, INC., a Nevada
corporation; PEEK CONSTRUCTION
COMPANY, a Nevada corporation;
22 MICHAEL WILLIAMS, an individual;
JOSIE WILLIAMS, an individual;
ASHLEY WILLIAMS, an individual;
23 MARIA WILLIAMS, an individual;
MARK GUBLER, an individual; DAWNA
24 GUBLER, an individual; DARIN
GUBLER, an individual; and KAREN
25 GUBLER, an individual; BRENDA
COMPTON PEEK, an individual;
26 MICHAEL L. PEEK, an individual; ECCL
HOLDINGS, LLC, a Nevada limited
27 liability company; BLC NEVADA TRUST
DATED APRIL 20, 2006, a Nevada Trust,

28 Defendants.

Case No.: 2:12-CV-00058-LDG -NJK

**JUDGMENT OF DISMISSAL OF
COUNTERCLAIM**

1 WILLIAMS BROTHER, INC., a Nevada
2 corporation; PEEK CONSTRUCTION
COMPANY, a Nevada corporation,
3
Counterclaimants,
4
vs.
5 TRAVELERS CASUALTY AND SURETY
6 COMPANY OF AMERICA, a Connecticut
corporation,
7
Counterdefendant.

8
9 The Court previously dismissed the Counterclaim Asserted by Defendants Williams
10 Brother, Inc. and Peek Construction Company against Travelers Casualty and Surety
11 Company of America. (Doc. 233, 06/18/13) The Court subsequently set aside the dismissal
12 as to Counterclaimant Peek Construction Company only on August 26, 2013. (Doc. 270)
13 Peek Construction Company's counsel has been granted leave to withdraw (Doc. 378) and
14 the corporate counterclaimant has failed to retain counsel. The Court advised Peek
15 Construction Company of the requirement to be represented by counsel to appear in
16 federal court on multiple occasions, and most recently issued its Order to Show Cause to
17 Peek Construction Company (Doc. 424) directing it to appear on October 1, 2014 and show
18 cause why a judgment of dismissal of the counterclaim should not be entered against
19 counterclaimant Peek Construction Company. The Ninth Circuit has been consistent in
20 affirming the general rule that a corporation may appear only through an attorney. See
21 *Taylor v. Knapp*, 871 F.2d 803, 806 (9th Cir. 1989). Counterclaimant having failed to appear
22 through counsel, or to comply with this Court's April 10, 2014 order (Doc. 384), and having
23 failed to show cause why the counterclaim should not be dismissed, and good cause
24 appearing, and the Court finding no just reason for delay,

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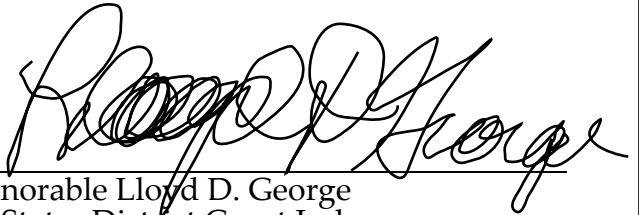
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1 The Court expressly directs that final judgment be entered dismissing the
2 counterclaims asserted by Peek Construction Company against Travelers Casualty and
3 Surety Company of America with prejudice.

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5 DATED: 10 Oct 2014

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9 The Honorable Lloyd D. George
United States District Court Judge